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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,448

11/05/2003

Zsolr Toth

1011.42224X00

6374

20457

7590

10/11/2006

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EXAMINER

GOODMAN, CHARLES

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/700,448

Applicant(s)

TOTH, ZSOLR

Examiner

Charles Goodman

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-15,20,21,24-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-15,20,21,24-27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Amendment filed on July 14, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6, 8-15, 20, 21, 24-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinlan (US 4,020,724) in view of Simpson et al (US 5,429,577) and Koelsch (US 5,875,699).

Quinlan discloses the invention substantially as claimed as noted in the last Office Action. However, Quinlan does not explicitly set forth that the die components determine the dimensions of a carton nor the specific blade arrangement thereof, e.g. slit/cut blades and perforation blades. In that regard, Quinlan already teaches that the components may be designed or adapted to cut a myriad of different patterns and not simply just the flaps. In other words, each die component of Quinlan may include different combinations of to be cut patterns and arrangement of rules that are inclusive of the dimensions of the carton to be made. To that end, Applicant's attention is again respectfully directed to the teachings and suggestion of Simpson et al which has a die component that includes all the dimensions of the product to be made. Moreover, Simpson et al teaches both slit/cut blades and perforation blades, even ones angled at 45

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degrees (note Fig. 2) which defines the carton and the fold shape thereof. Thus in view of the combined teachings of the references, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the invention of Quinlan with an arrangement of cutting/scoring components that determine the dimensions and folds of the end product.

Regarding at least five interlocking modular die components, this is deemed to be an obvious modification as a duplication of parts required to cut a particular pattern.

Regarding the interlock, it appears Quinlan lacks the die components being interlocked with each other. In that regard, Koelsch teaches a cutting die mounting system in which the die components (30A, 30B) are interlocked with each other via interlocks (90) to thereby insure proper engagement with respect to each other. Figs. 1-2, c. 6, ll. 6-65. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified device of Quinlan, with the interlock as taught and suggested by Koelsch in order to facilitate proper engagement between the die components.

### ***Response to Arguments***

4. Applicant's arguments filed 7/14/06 have been fully considered but they are not persuasive.

In response to Applicant's basic argument that the die components of Quinlan do not render obvious Applicant's invention, this argument is traversed. As noted previously, Quinlan provides a prima facie case of obviousness for a plurality of different cutting designs for each component. Moreover, while Quinlan might not specifically

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include the claimed slit/cut and perforated blades per se, Simpson et al teaches the obviousness of having both kind of blades in a rotary die system for substantially the same reasons, i.e. to cut out unnecessary parts and make fold lines. Furthermore, Applicant's reliance on *In re Ochiai* is noted. However, a review of Applicant's patent, US Patent No. 6,467,682, shows that the claimed invention therein include much more detail than what is shown in the current amended claims. Therefore, to the extent that the current claims require a die configuration to cut a part of a cardboard to form an *intended* panel, the prior art teachings make obvious arranging the rule on the die component to make said intended panel.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

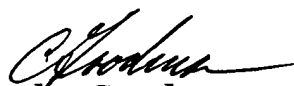
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Friday between 8:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley, can be reached on (571) 272-4502. In lieu of mailing, it is encouraged that all formal responses be faxed to (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

cg  
October 2, 2006

  
**Charles Goodman**  
**Primary Examiner**  
**AU 3724**

**CHARLES GOODMAN**  
**PRIMARY EXAMINER**